

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

Shenzhenshixinjihaikejihehuoqiye

Plaintiff,

v.

Case No. 3:24-cv-857

Automated Pet Care Products, LLC,

Defendant,

COMPLAINT

Plaintiff Shenzhenshixinjihaikejihehuoqiye (“Plaintiff”), for its complaint against defendant Automated Pet Care Products, LLC (“Defendant”), alleges as follows:

Parties

1. Plaintiff is a company with its principal place of business at Shenzhen, China. Among other things, Plaintiff sells an automated litter box branded as the Neakasa® M1 Litter Box on Amazon.

2. Defendant is limited liability company organized under the laws of the State of Michigan having a place of business at 561 S Fairfield Ave, 522 Western Ave, Juneau, WI 53039.

Nature of Action

3. This is an action for declaratory judgment of noninfringement and invalidity of U.S. patent 7,647,889 (“the ‘889 patent) (attached as Ex. A), which is owned by Defendant, pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202, and the United States Patent Law, 35 U.S.C. § 100 *et. seq.*, and for such other relief as the Court deems just and proper.

Jurisdiction and Venue

4. This Court has subject matter jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

5. This Court has personal jurisdiction over Defendant because Defendant regularly conducts business in this District by operating a manufacturing facility at 561 S. Fairfield Ave., 522 Western Ave., Juneau, WI 53039.

6. Venue is proper in this District because Defendant is subject to personal jurisdiction in this District and therefore resides in this District pursuant to 28 U.S.C. § 1391.

Background

7. Since about March 2024, Plaintiff has sold on Amazon an automated, self-cleaning litter box branded as the Neakasa® M1 Litter Box ("the M1"), which is shown below.



8. Plaintiff sells the M1 on Amazon under the following listings: B0DCFY8SB4, B0D7CRRGPD, B0CSKBWBF6, B0DGXTNDL9, B0DGXV26TL, B0DGXLW6QX, B0D53VZL2M, B0DK6RSFG2, B0DP8XYYKC, and B0DNXD65WJ.

9. On or around November 4, 2024, Defendant initiated utilized the Amazon Patent Evaluation Express Program to file a complaint for patent infringement with Amazon, alleging that the M1 infringes Defendant's '889 patent. Defendant's patent infringement complaint was assigned the number Case 16565346821 and was directed to certain of Plaintiff's product listings for the M1.

10. Defendant subsequently initiated two separate complaints with Amazon (Case 16736635141 and Case 16747596551) directed to certain of Plaintiff's product listings, also alleging that the M1 infringes the '889 patent.

11. As a result of Defendant's complaints filed with Amazon, all of Plaintiff's listings for the M1 have been removed from Amazon, and, as of the date of this filing, have not been reinstated.

Count I – Declaratory Judgment of Noninfringement of the '889 patent

12. Plaintiff repeats, realleges, and incorporates by reference its allegations in each of the foregoing paragraphs of its Complaint as if fully set forth herein.

13. Plaintiff has not infringed and does not infringe, directly or indirectly, any valid and enforceable claim of the '889 patent, either literally or under the doctrine of equivalents.

14. For example, claim 1 of the '889 patent, the only independent claim, requires a "means within the base for movably and rotatably supporting the first unit assembly above the base." The M1 does not satisfy this limitation as recited in the claim, either literally or under the

doctrine of equivalents, and therefore does not infringe claim 1 of the '889 patent, or any of the claims in the '889 patent, which all depend from claim 1.

15. There are additional reasons that M1 does not infringe claim 1 of the '889 patent (and therefore does not infringe any claim of the '889 patent), which are detailed in Plaintiff's letter from counsel to Amazon, which is attached as Exhibit B. The noninfringement bases set forth in this letter are expressly incorporated herein.

16. As a result of the acts described herein, there exists a substantial controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

17. A judicial declaration of noninfringement is necessary and appropriate so that Plaintiff may ascertain its rights regarding the '889 patent.

Count II – Declaration of Invalidity of the '899 Patent

18. Plaintiff repeats, realleges, and incorporates by reference its allegations in each of the foregoing paragraphs of its Complaint as if fully set forth herein.

19. The '889 patent is invalid for failure to meet the conditions of patentability and/or otherwise comply with one or more of 35 U.S.C. §§ 102, 103, and 112.

20. Various bases for invalidity are set forth in Plaintiff's letter from counsel to Amazon (Ex. B). The invalidity bases set forth in this letter are expressly incorporated herein.

21. As a result of the acts described herein, there exists a substantial controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

22. A judicial declaration of invalidity is necessary and appropriate so that Plaintiff may ascertain its rights regarding the '889 patent.

Request for Relief

WHEREFORE, Plaintiff demands that judgment be entered in its favor and against Defendant Automated Pet Care Products, LLC as follows:

- A. The past, present, and continued manufacture of the M1 by Plaintiff does not infringe the '889 patent;
- B. All claims of the '889 patent are invalid;
- C. An award of damages caused by Defendant's actions resulting in the delisting of Plaintiff's M1 listings;
- D. An award of Plaintiff's reasonable attorneys fees and costs; and
- E. Granting such other and further relief as the Court may deem appropriate.

Jury Demand

Plaintiff hereby demands a jury trial of all issues of fact not admitted by the Defendant.

Dated: December 4, 2024

s/Michael T. Griggs
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